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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,689	09/15/2003	Thomas T. Hardt	200302618-3	9782

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EXAMINER

MARSH, STEVEN M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 06/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/662,689	HARDT ET AL. <i>CR</i>
	Examiner	Art Unit
	Steven M Marsh	3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 September 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-28 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) Claim(s) _____ is/are allowed.
6) Claim(s) 1-28 is/are rejected.
7) Claim(s) _____ is/are objected to.
8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9152003.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____ .

DETAILED ACTION

This is the first office action for U.S. Application 10/662,689 for a Cable Management System and Method of Installation and Operation Thereof filed by Thomas Hardt et al.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 28 is incomplete and therefore it is not clear what Applicant is attempting to claim. Therefore, this claim has not been examined on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,146,795 to Braden et al. Braden et al. discloses a flexible cable harness (H) and a first support member (222) securable to the cable harness. There is a second

support member (186) securable to the cable harness and the harness is suspended between the first and second support members (only a portion of the harness is between the members, but the same is true of Applicant's harness). The first support member is wire and there is a spring-loaded first reel (224) that the first wire is wound onto. The first reel is adapted to retract the first support member on the reel and there is a biased second reel (180) that performs the same function with the second support member. The first support member is secured to the first harness at a first location (220) along the harness and the second support member is secured at a second location (at 122). The harness is adapted to be secured to a chassis or electronic device and can also be secured to at least one cable. The harness has connectors (200 and 230) operable to suspend a third and fourth portion of the cable, respectively. Claims 4-7 and 12-15 contain limitations to the structure of the electrical cable, the rack, and the electronic device. However, the structure of those objects is not positively recited in the claims and therefore the limitations have been given no patentable significance.

The cable management system is secured by the following steps: the harness is secured to a cable; first (222) and second flexible members (186) are coupled to the harness (at 220 and 122); the first and second flexible members are coupled by connecting first and second wires from first and second reels, to first and second portions of the harness, respectively; and the harness is secured to a support housing (B) for an electronic device (and thus secured to the device).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,146,795 to Braden et al. in view of U.S. Patent 5,050,649 to Kurmis. Braden et al. does not disclose a harness with a flexible spine and straps secured to the spine. Kurmis et al. discloses a strap (2) that is adapted to be wrapped around cable harnesses (see col. 2, lines 46 and 47). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided straps for the cable harness taught by Braden et al., as taught by Kurmis, for the purpose of securing cables in the harness. The harness disclosed by Braden et al. is flexible, therefore the resultant structure would comprise straps secured to a flexible "spine".

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,646,893 B1 to Hardt et al.

U.S. Patent 6,674,004 B2 to Ito et al.

U.S. Patent 6,073,315 to Rasmussen

U.S. Patent 6,499,199 B2 to Frazier

U.S. Patent 6,170,784 B1 to MacDonald et al.

U.S. Patent 4,053,706 to Houston et al.

U.S. Patent 5,737,475 to Regester

U.S. Patent 1,466,292 to Bell

U.S. Patent 6,515,229 B2 to Aoki et al.

U.S. Patent 6,557,805 B1 to Snyder

The above patents all disclose cable support apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.


Steven M. Marsh


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER

June 16, 2004